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**FISCAL IMPACT STATEMENT**

**LS 6137**

**BILL NUMBER: SB 72**

**NOTE PREPARED:** Jan 20, 2012

**BILL AMENDED:** Jan 19, 2012

**SUBJECT:** Abortion Matters.

**FIRST AUTHOR:** Sen. Holdman

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State

**Summary of Legislation:** This bill requires the Indiana State Department of Health (ISDH) to develop written materials to be provided to a pregnant woman setting forth certain information relating to abortion. The bill allows the ISDH to charge a fee to a provider who requests the materials to defray the cost of printing and distributing the materials.

The bill specifies that only a physician who meets certain conditions may administer to a pregnant woman an abortion-inducing drug, and sets forth the procedure the physician must follow. The bill establishes a Class A misdemeanor for a violation concerning distribution of an abortion-inducing drug.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** *Penalty Provision:* The bill establishes a Class A misdemeanor for a violation concerning distribution of an abortion-inducing drug.

*Development of Written Materials:* An estimate based on the experience of the Texas Department of State Health Services in implementing a similar requirement indicates that approximately \$5,100 to \$20,100 may be necessary for the ISDH to develop the required written information and post it to the ISDH web page. If acceptable color photographs or drawings can be used at no cost, the cost may be approximately \$5,100. The ISDH may charge providers who request the materials to defray the cost of printing and distributing the materials to the providers.

The ISDH reverted \$7,085,999 to the state General Fund at the end of FY 2011. The additional funds and

resources required could be supplied through existing staff and resources currently budgeted in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

*Additional Details:* The bill requires specified written information to be developed by the ISDH that is to be provided as a part of the informed consent documentation to be given to a pregnant woman. The bill requires the written information be available on the ISDH web site. The information to be in the document includes the following: scientific information regarding the development of a fetus, including color pictures of every two weeks of gestational age; medically accurate information regarding the medical risks associated with abortion and childbirth; information regarding assistance for pregnancy and childbirth; information regarding a biological father's obligation to pay child support; and information regarding telephone 211 dialing for accessing human services and the types of services available through the 211 service. The ISDH currently provides links to various web sites that provide the required information and more at: <http://www.in.gov/isdh/25199.htm>

The state of Texas enacted a similar requirement in 2003. The Texas Department of State Health Services estimated that 160 hours were used to assemble the initial document with the required information. Texas personnel suggested that by using the Texas template that the ISDH could reduce the amount of time required to assemble all the required information. If 160 hours were required to assemble the information, and write the document, using an average total cost of \$32 per hour, assembling a booklet would be anticipated to cost approximately \$5,100. The ISDH could potentially contract for this work if no in-house staff is available.

The bill requires that the ISDH is to include objective scientific information concerning the probable anatomical and physiological characteristics of a fetus every two weeks of gestational age and must include color pictures that are available at no cost or low cost. The Texas Department of State Health Services reported that the color photographs used to illustrate the required two-week development phases of the embryo and fetus are copyrighted and cost \$15,000 for the original version. The availability of other drawings or photographs that meet the requirements of the bill is not known at this time. Web searches for the required series of developmental images show copyrighted information.

The bill requires the availability of written documents, so assuming that the ISDH would develop a document and provide it in a print-ready format via the ISDH website, the state would have no other printing or distribution costs. Providers would be responsible for printing copies of the material in color to be given as a part of the informed consent requirements. If the ISDH chooses to print the document, providers may be charged to cover the costs of printing and shipping.

**Explanation of State Revenues:** *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would

likely be small.

**State Agencies Affected:** ISDH.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** [http://www.accessdata.fda.gov/drugsatfda\\_docs/label/2005/020687s013lbl.pdf](http://www.accessdata.fda.gov/drugsatfda_docs/label/2005/020687s013lbl.pdf)  
SBA General Fund Reversion Report - Detail FY 2011.

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